

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PATRIOT AMERICAN  
HOSPITALITY PARTNERSHIP,  
L.P., et al.,

Petitioners,

v.

BAYBEST RIBS, L.L.C.,

Respondent.

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Case No. 03-75175

Honorable Arthur J. Tarnow  
United States District Judge

Magistrate Judge Donald A. Scheer

**JUDGMENT**

In accordance with the Order entered on September 23, 2005

IT IS ORDERED AND ADJUDGED that Plaintiff's Motion for Summary Judgment is GRANTED and Defendants' Motion to Dismiss is DENIED as of September 23, 2005.

Dated at Detroit, Michigan, this 23rd day of September, 2005.

DAVID J. WEAVER  
CLERK OF THE COURT

BY: Theresa E. Taylor  
Deputy Clerk

Approved:

s/sArthur J. Tarnow  
ARTHUR J. TARNOW  
UNITED STATES DISTRICT JUDGE